

The Wisconsin Department of Transportation adopts an order to repeal TRANS 129.13(1)(c); amend TRANS 129.08(1)(d)2., 129.09(1)(b) and (2)(a); and repeal and recreate TRANS 129.13(1)(e), relating to motorcycle licensing and courses

ORDER ADOPTING RULE

Analysis Prepared by the Wisconsin Department of Transportation

STATUTORY AUTHORITY: s. 85.16, 85.30 and 227.11, Stats.

STATUTES INTERPRETED: ss. 85.30, 343.06(1)(c), 343.07(4)(b) and 343.16(1)(a), Stats.

Plain Language Analysis: Section Trans 129.09(2)(a) requires that the Experienced Rider Course (ERC) shall consist of at least eight hours of instruction which includes both class discussion and range training. The new curriculum is five hours in length and uses discussion on the range rather than in a classroom setting. This allows the DOT Motorcycle Safety Program to implement the new Motorcycle Safety Foundation ERC curriculum and, by so doing, offer more courses with existing available funding. Any dollars saved from the shorter courses will be used to provide additional basic and experienced courses and reduce the student waiting lists at training sites. All requests for Social Security information are being deleted and the request for student's physical description is being changed to student's sex as the other information is no longer needed. The time frame for basic course completion is changed from 60 days to 90 days to allow for new curriculum delivery changes.

Summary of, and Preliminary Comparison with, Existing or Proposed Federal Regulation: There are no current or proposed federal regulations relating to the curriculum requirements except that the Department of Army at Fort Steward Georgia requires persons operating on base to attend and complete an approved Motor Cycle Defense Driving Course prior to operating a motorcycle or moped on base. 32 CFR 636.28(h).

Comparison with Rules in Adjacent States:

Michigan: R257.1706 states that there shall not be less than 7 clock hours of classroom instruction. R257.1707 states there shall not be less than 8 clock hours per student of range experience. This seems to relate to both basic and experienced courses as neither is specifically identified. They would also have too many hours required for the new ERC curriculum if implemented in Michigan.

Minnesota: MN rules set hours for the BRC and for a Skills Re-Test Course that we do. However, we don't have anything in rule for ERC times.

7411.0565 MOTORCYCLE LABORATORY SCHEDULE; HOURS; PROTECTIVE GEAR.

Subpart 1. Hours. A motorcycle endorsement program must provide a student who is less than 18 years old with at least ten hours of approved laboratory instruction.

Subp. 2. Hour limits. A program may offer a student no more than a total of eight hours of motorcycle instruction per day.

Illinois: Illinois' administrative rule is very outdated and is currently being updated. The current rule does state that "the curriculum for the Cycle Rider Safety Training Course for the novice rider shall be based upon the Motorcycle Safety Foundation's 20-hour Motorcycle Rider Course." There is no mention of the ERC at all.

Iowa: 761-635.2(5) states that scheduled time for instruction...shall not exceed 8 hours in any one calendar day. It does not discuss total course hours.

Summary of Factual Data and Analytical Methodologies Used and How the Related Findings Support the Regulatory Approach Chosen: The Highway Safety Performance Plan for 2004 - Motorcycle Safety finds that Wisconsin has a motorcycle crash problem. (See <http://www.dot.wisconsin.gov/library/publications/topic/safety/hwysafetyplan-407mc.pdf>.)

The National Agenda for Motorcycle Safety finds that rider education and training compromise the centerpiece of a comprehensive motorcycle safety program, p. 17. The State of Wisconsin Motorcycle Safety Program Assessment found that rider education is an essential component of a statewide motorcycle safety program, p. 24. The Wisconsin Department of Transportation 2004 Motorcycle Safety Action Plan found that there was a waiting list and overwhelming demand for motorcycle training programs, p. 10. One of the goals of the National Agenda for Motorcycle Safety Summit meeting was to provide various level of rider education that is accessible and affordable with assured quality through ongoing long-term program evaluation.

Effect on Small Business and, If Applicable, Any Analysis and Supporting Documentation Used to Determine Effect on Small Businesses: There will be no effect on small business.

Fiscal Effect and Anticipated Costs Incurred by Private Sector: The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district, sewerage district, or federally-recognized tribes or bands. The Department

estimates that there will be no fiscal impact on state or private sector revenues or liabilities.

Copies of Rule: Copies of the rule may be obtained by writing to Ron Thompson, Department of Transportation, Division of State Patrol/Transportation Safety, Room 951, P. O. Box 7936, Madison, WI 53707-7936. You may also contact Mr. Thompson by phone at (608) 266-7855.

TEXT OF RULE

SECTION 1. Trans 129.08(1)(d)2. is amended to read:

Trans 129.08(1)(d)2. Each student's ~~social security number~~, driver license number, date of birth, address and phone number.

SECTION 2. Trans 129.09(1)(b) and (2)(a) are amended to read:

Trans 129.09(1)(b) All instruction shall be completed within a ~~60-day~~ 90-day time period.

(2)(a) The course shall consist of at least ~~8~~ 5 hours of instruction which includes both ~~classroom~~ class discussion and range ~~instruction~~ training. At least ~~40%~~ 50% of the total hours of instruction shall consist of range ~~instruction~~ training.

SECTION 3. Trans 129.13(1)(c) is repealed.

SECTION 4. Trans 129.13(1)(e) is repealed and recreated to read:

Trans 129.13(1)(e) Student's sex.

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Signed at Madison, Wisconsin, this ____ day of
March, 2005.

FRANK J. BUSALACCHI
Secretary
Wisconsin Department of Transportation